

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

VISION CENTER NORTHWEST, INC.,)	
d/b/a Vision Values by Dr. Tavel,)	
)	
Plaintiff)	
)	
v.)	CAUSE NO. 3:07-CV-183 RM
)	
)	
VISION VALUE, LLC,)	
d/b/a Eyeglass Express,)	
)	
Defendant)	

OPINION and ORDER

The parties and counsel in this case have been disregarding this court's orders, the Seventh Circuit's Standards for Professional Conduct, and Indiana's Rules of Professional Conduct, and it's time the court put a stop to it.

Dr. Tavel's motion for order to show cause [docket # 137] is GRANTED IN PART: to the extent the defendant continues to use "vision values" or "vision value" in connection with its web site, the company is ORDERED to change the URL/web address and/or take down its web site within five days of this date and certify to the court that that action has been taken. The motion is DENIED in all other respects.

Vision Value's motion for discovery sanctions [docket # 151] is GRANTED IN PART: the defendant is entitled to information relating to Dr. Tavel's use of the

Vision Values mark from 2005-2007¹, including copies of all advertisements using the mark, together with identification of the stores/market areas where the advertisements appeared; copies of advertisements directed to and used in the South Bend-Mishawaka-Elkhart market area; monthly income statements that would allow a comparison between stores using the mark (including the Elkhart store) of expenses and advertising allotments; and documents (general ledger and journal entries) reflecting expenses incurred for promotion of the mark for all stores using the mark. Dr. Tavel is ORDERED to provide all documents and information specific to those topics to defense counsel within five days of this date and certify to the court that that action has been taken. The motion is DENIED in all other respects.

Finally, the parties and counsel are informed that any further attacks on the character of opposing counsel will result in immediate *sua sponte* imposition of sanctions by the court.

SO ORDERED.

ENTERED: October 22, 2009

/s/ Robert L. Miller, Jr.
Chief Judge
United States District Court

¹ Dr. Larry Tavel testified that “since we came up with the name Vision Values and created the name and the logo we have invested hundreds of thousands of dollars to promote that name. . . . Perhaps millions of dollars That’s why we continued to use it every single day since 1991.” Tavel Dep., at 34-35.